

DRAFT

A meeting of the New Hampshire Water Well Board was held on June 15, 2007 at 9:00 AM, in rooms 112 & 113, 29 Hazen Drive, Concord, NH, 03302.

Present were: Bart Cushing, Chairman

Rene Pelletier, Secretary

Board members: Peter Caswell, Jeffrey Tasker, Christopher Covell, Thomas Garside, and David Wunsch

DES staff: Rick Schofield, and Yvette Meunier

Chairman Cushing brought the meeting to order at 9:02 AM and introduced the Board and staff members.

Approval of Minutes

Upon motion by Mr. Caswell and seconded by Mr. Covell, the Board unanimously voted to accept the Minutes of the April 20, 2007 meeting.

Old Business

Registration of Employees

This matter was initially considered by the Board at the October 26 2006 meeting and at subsequent meetings on December 14, 2006, and February 9, 2007.

Chairman Cushing gave a brief overview of the proposal which would document workers experience in the industry by annually registering workers with the Board, or provide a tiered structure for voluntary worker advancement which would include apprentice, journeyman, and master license classifications.

Mr. Garside reported that the sub-committee established to study the proposal had not met since the April 20th Board meeting.

Upon motion by Mr. Covell, and seconded by Mr. Tasker, the Board voted to table the matter until the sub-committee meets.

Standing Column Wells

At the last meeting Roger Skillings informed the Board that the City of Dover had not approved, or was considering not approving, standing column wells. The Board discussed the issue and noted that it was in the process of considering proposed rules for the construction and regulation of geothermal wells.

Mr. Schofield reported that Dean Miles, building inspector for the City of Dover, had contacted the office to inform him that the well in question had been approved. The approval was granted under IPC 105.4 Alternative Engineered Design, and all the information needed to grant the approval was provided by the designer/installer, including the use of a double walled heat

exchanger, the heat transfer fluid being used which was non-toxic, and design information which addressed the bacteria concern.

Reporting

Hartley Industries Inc

At the last meeting the Board directed Mr. Schofield to send a letter to Mr. Hartley requesting his appearance at this meeting to respond to the Board's inquiry regarding why Hartley Industries Inc had not reported any wells in 2006 and to discuss the status of Mr. Hartley's license. The Board noted that Mr. Hartley hadn't responded to its letter of February 15, 2007, hadn't filed any well completion reports, and was currently on probation.

Mr. Schofield reported that the Board received a letter from Mr. Hartley on June 12 apologizing to the Board regarding his past reporting delinquency and vowing that all future well completion reports would be submitted in a timely fashion. He was unable to attend the meeting because he was attending his daughter's graduation from college in Oregon. Mr. Hartley enclosed past due well completion reports and a check in the sum of \$4,000 as partial payment of an administrative fine for non-reporting.

The Membership discussed the letter, including the well completion reports submitted, and the partial payment of the past due fine. The Board asked Mr. Schofield if he had the reports for the Membership to review. Mr. Schofield responded that they were entered into the database and filed. The Board noted that Mr. Hartley's probation period expires on August 5, 2007, and agreed to request Mr. Hartley's appearance at the next meeting. Mr. Schofield was asked to have the reports available. Mr. Covell and Mr. Wunsch commented that the balance of the administrative fine should be paid by that time.

Annual Review Follow-up Report

Mr. Schofield provided the Membership with an update on responses to the Board's April 30 letter sent to all licensee's who hadn't filed well completion reports in 2007. Nine contractors submitted reports for wells drilled in 2006 and seven contractors called the office to inform the Board of their status. Several did not drill wells in New Hampshire in 2006 or 2007 and some were sending in reports. Overall the response was very good.

Mr. Wunsch left the meeting at 9:35.

Mr. Pelletier joined the meeting at 9:55

Water Supply @ Dublin General Store

Mr. Schofield gave a brief introduction and summary of communications between the parties leading up to the meeting.

Chairman Cushing read Chapter 228:34 Administration of Transportation Laws, with respect to private water supplies, into the record.

Mr. Andrew Freeman addressed the Board regarding his water supply well which was contaminated with chlorides. Mr. Freeman explained that from the very beginning they were given two options from the NH Department of Transportation (“NHDOT”). They could get on the waiting list for a replacement well which could take a long time, or they could install their own replacement well and get reimbursed in 12 to 18 months. He expedited the NHDOT process by providing previous chloride level records from 2002 through 2006. He was told Kevin Russell was the decision maker in the process and he was assured by Mr. Russell that the information he provided would satisfy the one year waiting period.

His well supplied the General Store and 3 other buildings. The time line mandated that they drill new wells. He also had concerns that NHDOT would retain future liability for contamination of the wells. One well was very close to the road.

Chairman Cushing asked Mr. Freeman how the matter related to well construction standards within the Board’s jurisdiction.

Mr. Freeman responded he had no venue to discuss this issue and he felt cornered. He said if he wanted to speak to someone other than Mr. Russell, there wasn’t anyone, and he was still asking to speak to someone at the Attorney General’s Office. He needed a place to speak.

Mr. Pelletier explained to Mr. Freeman that the matter was not in the Board’s regulatory authority, and suggested he should call Charles O’Leary, the new NHDOT Commissioner. Mr. Pelletier also said he would call Commissioner O’Leary to let him know about this discussion and that he suggested Mr. Freeman call him.

Chairman Cushing invited Kevin Russell to the table.

Mr. Pelletier asked Mr. Russell if he had given Mr. Freeman his supervisor’s name. Mr. Russell explained that he had given Mr. Freeman his supervisor’s name and that the NHDOT had followed the standard procedure.

Members of the Board discussed the construction of the four new replacement wells and where they were sited. Mr. Russell was asked if the NHDOT staff consulted and assisted with the installation of the new wells. Mr. Russell explained they had not supervised the replacement wells. There was discussion on whether there was a decision on a damage award yet. Mr. Russell explained that the Attorney General’s office had not approved a damage award at this time.

The Board discussed the status of the contaminated well and the need to decommission the well.

Chairman Cushing invited Edward Germain, Selectman for the Town of Dublin, to the table.

Mr. Germain informed the Board that Anne Anable, also a member of the Board of Selectmen, was also present at the meeting to support Mr. Freeman. The Board of Selectmen were concerned about the existing contaminated well’s potential for contaminating groundwater and other citizens wells in the area.

There was further discussion on the need to decommission the existing well.

The matter was closed.

Rules

Setback to Sewer Lines

Mr. Schofield gave an overview of the issue and introduced Steve Roberts from the DES Wastewater Engineering Bureau(WEB). Regulations adopted by WEB, Env-Wq 704.12 requires a 100 foot setback from a sewer line to a private water supply well. The Board's concern was why the setback was inconsistent with the standard 75 foot setback to septic system leach fields, and how would the rule affect water well contractors.

Mr. Roberts explained he was not sure why the 75 foot setback was changed to 100 feet. The program does consult with private engineering firms for guidance when they adopt rules and he suspects that's where the change came from. He stated the program will look at changing to setback to 75 feet at the next rulemaking. Mr. Roberts also explained that DES jurisdiction is from the sewer at the street and not the private sewer line to the home.

The Membership discussed waivers to the current setback.

General Review and Discussion

The Board reviewed and approved amendments made at the April 20th meeting. The Membership dedicated additional time discussing the new yield testing rules after a well is hydro-fractured. The discussion focused on dewatering the hole prior to conducting the yield test and how that would be applied.

The Board approved the proposed rule as amended. Mr. Covell went on record in opposition to the rule, and held that all of the water injected into the well must be removed before conducting the yield test.

Licensing

New Applicants

The Board reviewed and approved the application filed by Paul Linton.

New Business

Mr. Schofield described the Performance Partnership Agreement(PPA) with EPA and the Measures Tracking and Reporting System(MTRS) used to track program goals and performance. Mr. Schofield explained that the water well program had not been included in the previous PPA or MTRS because the program did not receive EPA funding. Mr. Schofield informed the Membership that he had been requested to participate in the MTRS in the future. He was bringing the Board's attention to the matter because it was also the Board's program, and he wanted to keep the Board informed on program activities.

Elections

Chairman Cushing asked for nominations for Chairman and Secretary.

Mr. Cushing nominated Mr. Pelletier for Secretary.

Mr. Garside and Mr. Tasker nominated Mr. Cushing for Chairman.

Upon motion by Mr. Covell, and seconded by Mr. Garside, the Board voted to close the nominations.

By unanimous vote, Mr. Cushing was elected for Chairman.

By majority vote, Mr. Pelletier was elected Secretary.

The Membership discussed whether to continue the meeting after lunch or to adjourn. It was decided to set up a specific time at the next meeting for the NHGS presentation. The Membership instructed Mr. Schofield to see Brandon Kern regarding HB 459 Well Identification.

Upon motion by Mr. Covell, seconded by Mr. Pelletier, the Board unanimously voted to adjourn the meeting.